LIBRARY
SUPREME COURT, U.S.

Office-Supreme Court, U. S.
FILED
APR 5 1951
CHARLES ELMORE CROPLEY
CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1950

No. 425

NATIONAL LABOR RELATIONS BOARD,
Petitioner,

v.

HIGHLAND PARK MANUFACTURING COMPANY,
Respondent.

BRIEF OF TEXTILE WORKERS UNION OF AMERICA AS *AMICUS CURIAE*

ISADORE KATZ,
General Counsel,

DAVID JAFFE,
Assistant General Counsel,

TEXTILE WORKERS UNION OF AMERICA,
99 University Place,
New York 3, New York.

INDEX

PAGE

Preliminary Statement

A—The Interest of the Amicus 1

B—The Opinion Below 3

Argument

I—The legislative history, ante and post-enactment, revealed a congressional intent to exclude federations of national or international unions from the filing requirements of Section 9(h) 4

A—The terms "national or international labor organization" exclude federations of such organizations 4

B—Congress intended to require affidavits only from those officers of unions which had an impact on collective bargaining relationships or strikes 7

C—Post-enactment consideration of Section 9(h) indicated congressional approval of the Board's interpretation 12

D—As used in other sub-sections of the act, the terms "national or international labor organizations" excludes federations 13

II—The interpretation of Section 9(h) by the Court of Appeals renders that sub-section unconstitutional 15

Conclusion 16

Appendix—Constitution of Textile Workers Union of America A1

TABLE OF AUTHORITIES CITED

Cases: PAGE

American Communications Association v. *Douds*, 339 U. S. 382, 388 ..... 7, 15

National Labor Relations Board v. *Highland Park Manufacturing Co.*, 184 F. 2d 98 3

N. L. R. B. v. *Postex Cotton Mills*, 181 F. 2d 919 3

Nebbia v. *New York*, 291 U. S. 502, 525 15

Northern Virginia Broadcasters, Inc., 75 N. L. R. B. 11 ..... 10, 12, 13

Pampanga Sugar Mills v. *Trinidad*, 279 U. S. 211, 218 13

Statutes:

National Labor Relations Act, as amended by Labor-Management Relations Act, 1947 (61 Stat. 136 *et seq.*)

Section 2 (5) 11

Section 8 10

Section 9 ..... 3, 10

Section 9(f) 3, 10, 12, 13, 14, 15

Section 9(g) 3, 10, 12, 13, 15

Section 9(h) 3, 7, 9, 10, 11, 13, 14, 15

Miscellaneous:

	PAGE
Barbash, Jack, *Labor Unions in Action* (Harper and Brothers, 1948)	6
93 Cong. Rec. 3533 (April 15, 1947)	11
93 Cong. Rec. 7002 (June 12, 1947)	11
Hearing Before the Sub-Committee on Labor-Management Relations of the Committee on Labor and Public Welfare, United States Senate, 81st Cong., 2d Sess., Part 2, Dec. 7, 1950	2
Peterson, Florence, *American Labor Unions* (Harper and Brothers, 1945)	6
Report of Joint Committee on Labor-Management Relations, S. Rep. No. 986, 80th Cong., 2d Sess.	12
Reynolds, Lloyd G., *Labor Economics and Labor Relations* (Prentice-Hall, Inc., 1949)	6
Taft, Philip, *Economics and Problems of Labor* (Stackpole Sons, 1942)	6
Taylor, Albion G., *Labor Problems and Labor Law* (Prentice-Hall, Inc., 1938)	6
The New York Times, October 8, 1947	12

IN THE

Supreme Court of the United States

OCTOBER TERM, 1950

No. 425

NATIONAL LABOR RELATIONS BOARD,
Petitioner,

v.

HIGHLAND PARK MANUFACTURING COMPANY,
Respondent.

BRIEF OF TEXTILE WORKERS UNION OF AMERICA AS *AMICUS CURIAE*

Preliminary Statement

A. The Interest of the Amicus

Textile Workers Union of America, hereinafter referred to as "T. W. U. A.", is a labor organization affiliated with the Congress of Industrial Organizations, hereinafter referred to as "C. I. O." Until August 23, 1945, T. W. U. A. was a national labor organization, with members only in the United States. On that day it chartered its first local union of textile workers in Canada. It is now, consequently, an international labor organization of approximately 400,000 members who are organized, as required by the

T. W. U. A. Constitution, into local unions. The great bulk of the membership resides in the United States. The jurisdiction of the T. W. U. A. is defined in Article III of its Constitution to embrace

> "all workers employed in or about places of business engaged in the processing by hand or machines, including dyeing, bleaching, printing and finishing of cotton, wool, silk, flax, jute, paper and any other natural or synthetic materials in their original or altered state, to produce or manufacture batts, felts, yarns, cordage, threads, fabrics or other forms into textile or allied products including but not limited to hosiery, knit goods, lace, carpets, cordage, fabricated textile products and by-products of synthetic materials manufactured by textile or independent plants."

Highland Park Manufacturing Company is engaged in the manufacture of cotton textile products. The cotton textile industry is concentrated along the Eastern seaboard and 80 percent of it is located in the Southern states. The Southern cotton textile industry is relatively unorganized; 85 percent of those employees are not members of any union. This extraordinary absence of labor organization is in such striking contrast to the degree of organization in other major industries that the United States Senate has conducted an intensive study of labor-management relations in the cotton textile industry. The evidence summarizing the position of the Southern cotton textile industry is found in *Hearing Before the Sub-Committee on Labor-Management Relations of the Committee on Labor and Public Welfare, United States Senate, 81st Cong., 2d Sess., Part 2, December 7, 1950,* pp. 33, 58, 86.

The jurisdiction of the Courts of Appeals for the Fourth and Fifth Circuits cover practically all of the states in which the major portion of the cotton textile industry is located, and in which T. W. U. A., the charging union in the instant case, is most active and interested. Enforcement of National Labor Relations Board cease and desist orders in these two circuits are of vital concern to the

T. W. U. A., inasmuch as most of those orders are in cases in which T. W. U. A. is the charging party. A large number of cases are now pending before the Board; many of those cases were initiated by charges filed prior to the time that the officers of the C. I. O. had complied with the filing requirements of Section 9(h) of the National Labor Relations Act. Both of those Courts of Appeals have held that despite compliance with Section 9 by T. W. U. A., the non-compliance of the C. I. O. deprived the Board of power to issue a complaint based upon a charge filed by T. W. U. A., the Fourth Circuit in the instant case and the Fifth Circuit in *N. L. R. B.* v. *Postex Cotton Mills*, 181 F. 2d 919. If the decisions of the Courts below were to stand unreversed it would leave unredressed grave injustices in the largest industry of the South.

B. The Opinion Below

Although T. W. U. A. was the first international union affiliated with the C. I. O. to comply with Section 9(f), (g) and (h) of the *Labor-Management Relations Act, 1947*, the Court of Appeals held that the failure of the C. I. O. to comply with Section 9(h) deprived the N. L. R. B. of power to issue a complaint and proceed further to remedy unfair labor practices. The decision of that Court is reported as *National Labor Relations Board* v. *Highland Park Manufacturing Co.*, 184 F. 2d 98.

The Court reasoned that C. I. O. was required to file because, in the terms of Section 9(h), it was a "national or international labor organization of which it (T. W. U. A.) is an affiliate or constituent unit". The Court found: "The C. I. O. is unquestionably a national labor organization and the T. W. U. A. is admittedly affiliated with it." It also found that there was no ambiguity in the language of the statute and thus no occasion for resort to rules of construction. It did, however, examine the statute in the light of some of those rules and found no reason to change its conclusion.

ARGUMENT

I. The legislative history, ante and post-enactment, revealed a congressional intent to exclude federations of national or international unions from the filing requirements of Section 9(h).

The Court of Appeals believed the terms "national or international labor organization" were not ambiguous. We agree that the terms are not ambiguous. We disagree, however, with what that Court thought the terms meant. We think that those terms are terms of art clearly understood in the field of labor-management relations to include only those labor organizations which are engaged in collective bargaining relations with employers and to exclude those organizations, such as federations of unions, which are not engaged in such relations with employers. Although, like the Court of Appeals, we find no ambiguity in the terms, and no need to resort to the canons of statutory construction, it would nevertheless appear that Congress understood those terms as terms of art and that the entire statutory scheme expresses such a congressional understanding.

A. The terms "national or international labor organization" exclude federations of such organizations.

The term "labor organization" is a synonym for "labor union". A national or international labor union is a labor organization which is national or international in scope. International unions must, of course, be distinguished from federations of unions such as the Congress of Industrial Organizations or the American Federation of Labor. In turn, such federations of national or international unions must be distinguished from federations of federations such as the International Confederation of Free Trade Unions or the World Federation of Trade Unions. Also to be distinguished are such organizations as the International Labor Organization.

Unions in the United States are differentiated as national or international, depending upon whether they admit members outside of the United States. Most international unions of the United States derive that characterization because they admit Canadian members. It would be apposite here to quote from the Constitution of Textile Workers Union of America (reprinted in its entirety in the Appendix of this brief) to indicate the manner in which Textile Workers Union of America describes itself and its structure.

ARTICLE I: "The name of this *International Union* shall be the Textile Workers Union of America (TWUA)."

ARTICLE II, Section 1: "This *International Union* is dedicated to the principle of industrial unionism."

ARTICLE II, Section 2: "The *International Union* shall accomplish the foregoing purposes by * * *."

ARTICLE III: "The jurisdiction of this *International Union* shall embrace * * *."

ARTICLE IV: "The headquarters of the *International Union* shall be located in New York City, N. Y."

ARTICLE V, Section 1: "The supreme governing body of the *International Union* shall be its convention whose decisions shall be final."

ARTICLE VI, Section 1: "The general officers of the *International Union* shall consist of a General President, an Executive Vice-President and a General Secretary-Treasurer."

ARTICLE VII, Section 1: "The Executive Council shall have general supervision over the affairs and properties of the *International Union*. It shall execute the decisions of the conventions and, between conventions, shall be the supreme governing body of the *International Union*."

ARTICLE VIII, Section 1: "The membership of the *International Union* shall be organized into local unions."

ARTICLE IX, Section 1: "Seven or more workers who are members of, or eligible for membership in the *International Union* may apply for a charter as a local union and upon receipt of a charter shall constitute a local union."

An examination of constitutions of other national and international unions will reveal the same use of these terms of art and the commentators have likewise treated national and international unions as distinct from federations of such unions: Philip Taft, *Economics and Problems of Labor* (Stockpole Sons, 1942), p. 494; Lloyd G. Reynolds, *Labor Economics and Labor Relations* (Prentice-Hall, Inc., 1949), p. 143; Florence Peterson, *American Labor Unions* (Harper and Brothers, 1945), pp. 41, 57; Albion G. Taylor, *Labor Problems and Labor Law* (Prentice-Hall, Inc., 1938), pp. 69-70. The relationship between the federations and the national or international unions is frequently referred to by the term "parent federation". The term is misleading because the federations are, if terms of consanguinity are to be used, rather the children of the member internationals. But even terms of consanguinity are misleading since the relationship between the federations and the internationals are so frequently transitory. The reports of this Court are studded with the history of the United Mine Workers of America, which has had various affiliations and which in the last seventeen years was a member of the American Federation of Labor, then of the Committee for Industrial Organization, then of the Congress of Industrial Organizations, then independent, then returned to the fold of the American Federation of Labor and then, a few years ago, departed that fold and returned to independent status. The transitoriness of these affiliations was recognized by Jack Barbash in *Labor Unions in Action* (Harper and Brothers, 1948), pp. 28-29:

> "The meaningful story of the American Labor movement is essentially the story of the international unions. The international union on the whole is a self-contained unit. Without the international unions, the federations have no meaning and not much substance. The reverse is not true. The international unions can and have functioned without affiliation to the federations."

B. Congress intended to require affidavits only from those officers of unions which had an impact on collective bargaining relationships or strikes.

The purpose of the affidavit requirements of Section 9(h) was to eliminate the possibility of political strikes by unions under the control of officers who adhered to the Communist or other totalitarian ideology. Whatever one may think of the effectiveness of the statute in carrying out the congressional intent, it surely may not be presumed that Congress deliberately chose an ineffective method bearing no relation to its purpose. Congress sought out the locus of power in the unions as it affected collective bargaining and strikes. When the constitutionality of Section 9(h) came before this Court, it reviewed the purpose of Congress and it noted, throughout its opinions, that Congress was directing its attention to the power relationship within the unions. The majority opinion of Mr. Chief Justice Vinson is illuminating in this respect.

American Communications Association v. *Douds*, 339 U. S. 382, 388.

> "One such obstruction, which it was the purpose of Section 9(h) of the Act to remove, was the so-called 'political strike'. Substantial amounts of evidence were presented to various committees of Congress, including the committees immediately concerned with labor legislation, that Communist leaders of labor unions had in the past and would continue in the future to subordinate legitimate trade union objectives to obstructive strikes when dictated by Party leaders, often in support of the policies of a foreign government. And other evidence supports the view that some union leaders who hold to a belief in violent overthrow of the Government for reasons other than loyalty to the Communist Party likewise regard strikes and other forms of direct action designed to serve ultimate revolutionary goals as the primary objectives of labor unions *which they control.*" (Emphasis supplied, footnote omitted.)

The final three words of that quotation emphasize that the congressional purpose was to strike at the power relationship within the union. And in the same opinion reference was made to the fact that Congress might well have believed that totalitarians would "carry that objective into their *conduct of union affairs* by calling political strikes • • •" (*Id.*, at 407, emphasis supplied). And Mr. Justice Jackson directed his attention to the same point when he referred to the "labor leverage" of the Communist Party and said that the "membership is not likely to entrust its bargaining power, its records, and its treasury to such hands" (*Id.* at 431).

We now turn to the Constitution of the Textile Workers Union of America, to examine the locus of power. Article V, Section 1, provides that the supreme governing body shall be the convention, and Article VII, Section 1, provides that the Executive Council shall be the supreme governing body between conventions. Turning more specifically to the provisions concerning collective bargaining and strikes, we find:

"ARTICLE XVI. COLLECTIVE AGREEMENTS

SECTION 1. Negotiations for collective agreements shall be subject to supervision by, and their terms and conditions shall be subject to the approval of the General President.

SECTION 2. The union shall be the exclusive representative of each member for the purpose of collective bargaining and the negotiation and execution of collective bargaining agreements with employers, and is irrevocably authorized and empowered by each member to present, negotiate and settle any and all grievances, complaints and disputes arising out of the relationship between the member and his employer.

SECTION 3. The International Union and all local unions, joint boards, and subordinate organizations shall faithfully perform and fulfill their obligations and responsibilities under collective agreements.

ARTICLE XVII. STRIKES AND BOYCOTTS

Neither the International Union nor any of its local unions, joint boards or subordinate organizations, their officers or agents shall have the power or authority to induce, call, encourage, authorize, ratify or engage in any strike or to induce, call, encourage or authorize the employees of any employer to engage in any strike or concerted refusal in the course of their employment to use, manufacture, process, transport or otherwise handle or work on any goods, articles, materials or commodities, or to perform any services, except as expressly authorized or ratified in writing by the General President. Such power and authority resides exclusively in the General President and he exclusively may withdraw such authorization or ratification, once given, and he exclusively may declare any strike or concerted refusal to manufacture, transport or otherwise handle or work on any goods, articles, materials or commodities, or to perform any services, terminated at any time."

Absent is any mention of the Congress of Industrial Organizations or, for that matter, any mention of the International Confederation of Free Trade Unions with which Textile Workers Union of America is indirectly affiliated through the Congress of Industrial Organizations. Within the sphere of activity of unions from which obstructions to commerce may arise, namely, collective bargaining and strikes, the T. W. U. A. is completely free of any control or direction from the C. I. O. Consequently, no officer of the C. I. O. has any voice, power, or authority to bring on an economic strike in the textile industry, to say nothing of a political strike at which Section 9(h) was directed. It follows then that not only is there no rational relation between the filing requirements of the statute and its purpose, if construed as the Court of Appeals construed it, but that no practical result could be achieved by requiring the officers of the C. I. O. to file the affidavits as a condition precedent to the use of the National Labor Relations Board procedures by T. W. U. A. The only result

which follows from the interpretation of the Court of Appeals is a penalty imposed upon T. W. U. A. and its members even though T. W. U. A. and its officers have fulfilled the filing requirements of Section 9(f), (g) and (h), albeit under protest. We cannot conceive that such a penal purpose should be attributed to Congress.

The Court of Appeals concluded that the officers of federations of national or international unions "shape labor policies that cause the strikes to be called, and this is particularly true of general strikes or strikes having a political purpose". The record of the instant case is barren of any evidence which might support such a conclusion; the Court's only "authority" for this grossly erroneous description of the relationship between national and international unions with the federations were the quixotic notions of Board Member Gray in his dissenting opinion in *Northern Virginia Broadcasters, Inc.*, 75 N. L. R. B. 11. The legislative history is equally barren of any such evidence. In fact, it impels to the contrary conclusion. The debates make it clear that Congress was directing itself to the locus of power in those unions which sought to avail themselves of the benefits of Sections 8 and 9 of the Act. Unions which bargained collectively and conducted strikes were to be required to complete the filing requirements of Section 9(f), (g) and (h).

The necessity for requiring such filing by the labor organization as well as the national or international with which it was affiliated was to assure that all repositories of power, whether in the national or international or the local or lodge, would not escape the aim of the statute. Congress well understood that the national or international had real power in relation to its locals and that this power relationship was lacking as between the nationals or internationals and the federations. Witness Articles VII Sec. 4, VIII Sec. 4, IX Sec. 7, XIV, XVI and XVII of the T. W. U. A. Constitution.

The Act is popularly known as the Taft-Hartley Act. Both Representative Hartley and Senator Taft, in debate, explained the purpose of Section 9(h) as being directed at

those officers of labor organizations which were directly concerned with the processes of the National Labor Relations Board. Representative Hartley said in 93 Cong. Rec. 3533 (April 15, 1947):

> "It prohibits certification by the Board of labor organizations having Communist or subversive officers. If anyone doubts the need of that in the bill all you have to do is to read the testimony taken by our subcommittee in connection with the Allis-Chalmers strike in Milwaukee and you will understand that section of the bill is most in order."

Senator Taft's analysis of the Act demonstrates that he also understood Section 9(h) to be concerned only with those organizations which were moving parties in Board proceedings and that the affidavits should be required of "its" officers. After debate on the Conference Report he submitted his supplementary analysis of the Act, 93 Cong. Rec. 7002 (June 12, 1947):

> "SECTION 9(h): This provision making the filing of affidavits with respect to Communist Party affiliation by *its* officers a condition precedent to *use of the processes of the Board* has been criticized as creating endless delays. It was to prevent such delays that this provision was amended by the conferees. Under both the Senate and House bills the Board's certification proceedings could have been infinitely delayed while it investigated and determined Communist Party affiliation. Under the amendment an affidavit is sufficient for the Board's purpose and there is no delay unless an *officer of the moving union* refuses to file the affidavit required." (Emphasis supplied.)

The conclusive answer to the argument that mere affiliation with a federation or congress requires the officers of the federation or congress to file affidavits is found in the definition of "labor organization" in Section 2(5) of the Act. A labor organization is defined as one which exists for the purpose "of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of

employment, or conditions of work". The C. I. O. cannot be a labor organization in the field in which Textile Workers Union of America has jurisdiction since in the textile industry it performs none of those functions.

C. Post-enactment consideration of Section 9(h) indicated congressional approval of the Board's interpretation.

The Board decided the *Northern Virginia Broadcasters* case, *supra*, on October 7, 1947; it held that officers of federations or congresses were not required to file affidavits in order to allow their affiliated national or international unions to use the processes of the Board. On October 8, 1947, Senator Taft's comment on the Board's decision was reported in *The New York Times*, p. 6. He said that the Board's decision was "certainly not in conflict with the intention of Congress".

Section 401 of the Act provided for a special committee of the House and the Senate to make a continuing study of the effect of the Act upon labor-management relations. That committee was popularly referred to as the "watchdog committee", *Report of the Joint Committee on Labor-Management Relations*, S. Rep. No. 986, 80th Cong., 2d Sess., p. 33. In that report the committee noted that "140 national and international unions had complied with the non-Communist-affidavit requirement" (*Id.* at 10) and noted, in commenting upon compliance with Section 9(f) and (g), that the average international president was paid a salary of $10,000 per year (*Id.* at 37). Surely the Joint Committee understood that the terms "national or international" cannot refer to the federations; it was not striking an average of the salaries of only Philip Murray and William Green. At the same time the report of the committee noted that with respect to the fixing of initiation fees and periodic dues "the international unions give their constituent locals wide discretion in fixing such fees" (*Ibid.*).

More important than the Joint Committee's understanding of the terms "national or international" is the committee's specific approbation of the manner in which the Board had interpreted the Act. The report discussed the Board's decision in the *Northern Virginia Broadcasters* case (*Id.* at 11) and those other decisions of the Board in which the Board prevented labor organizations from evading the purpose of Section 9(h) by allowing other labor organizations or individuals to "front" for them (*Id.* at 13). Under the heading "Need for Amendment", the report concluded that

> "We have attempted to describe briefly the situations to which various provisions of the new law have been applied. In each instance the law has adequately provided a remedy for the abuse which Congress sought to correct" (*Id.* at 34).

In the face of such administrative construction and legislative approval, it is difficult to understand a contrary construction of Section 9(h).

D. As used in other subsections of the Act, the terms "national or international labor organizations" excludes Federations.

Section 9(f) requires the filing with the Secretary of Labor of financial reports and other information by a "labor organization and any national or international labor organization of which such labor organization is an affiliate or constituent unit" as a condition precedent to the use of the Board's procedures. Section 9(g) makes provision for the annual refiling of such information. Both subsections also require that the financial reports be distributed to the membership. Obviously the terms "national or international labor organizations" in Section 9(h) were used in the same sense as in the preceding subsections. *Pampanga Sugar Mills* v. *Trinidad*, 279 U. S. 211, 218.

Section 9(f)(A) provides, in part, for reports of the following:

> "'(4) the initiation fee or fees which new members are required to pay on becoming members of such labor organization;
>
> '(5) the regular dues or fees which members are required to pay in order to remain members in good standing of such labor organization;
>
> '(6) a detailed statement of, or reference to provisions of its constitution and bylaws showing the procedure followed with respect to, (a) qualification for or restrictions on membership, (b) election of officers and stewards, (c) calling of regular and special meetings, (d) levying of assessments, (e) imposition of fines, (f) authorization for bargaining demands, (g) ratification of contract terms, (h) authorization for strikes, (i) authorization for disbursement of union funds, (j) audit of union financial transactions, (k) participation in insurance or other benefit plans, and (l) expulsion of members and the grounds therefor;'"

It is not conceivable that the Congress intended a federation or congress to report to the Secretary of Labor the initiation fees which members were required to pay in order to remain in good standing, the qualifications for membership, the procedure with respect to the election of stewards or the authorization for bargaining demands or the ratification for contract terms or the authorization for strikes or the participation in insurance or benefit plans. The federations or congresses of national or international labor organizations have no concern with such matters. It is equally inconceivable that Congress intended to include a federation or congress in the terms "national or international labor organization" in Section 9(h), without specific indication, immediately after it had used the term in the preceding subsections in which federations or congresses could not possibly have been included.

II. The interpretation of Section 9(h) by the Court of Appeals renders that subsection unconstitutional.

In the preceding point we have demonstrated that the provisions of Section 9(f), (g) and (h) could have no application to federations or congresses inasmuch as those bodies do not act as labor organizations in the fields in which their affiliated national or international labor organizations have jurisdiction. It follows that even were those subsections to be applied to federations or congresses, the applications would serve no purpose. The C. I. O. does not call or authorize strikes in the textile industry or bargain collectively with any employers in the textile industry.

It also follows that the application of Section 9(h) to federations or congresses is wholly unreasonable, arbitrary and capricious since the inclusion of federations and congresses has no "real and substantial relation to the object sought to be obtained". *Nebbia* v. *New York*, 291 U. S. 502, 525. Because the interpretation of Section 9(h) by the Court of Appeals falls afoul of the Fifth Amendment, this Court must remedy the fatal defect in the manner indicated by Mr. Chief Justice Vinson in the majority opinion in *American Communications Association* v. *Douds*, 339 U. S. 382, 407:

> "But we see no reason to construe the statute so broadly. It is within the power and is the duty of this Court to construe a statute so as to avoid the danger of unconstitutionality if it may be done in consonance with the legislative purpose."

CONCLUSION

The decision of the Court of Appeals should be reversed and the order of the National Labor Relations Board should be enforced.

Respectfully submitted,

ISADORE KATZ,
General Counsel,

DAVID JAFFE,
Assistant General Counsel,

TEXTILE WORKERS UNION OF AMERICA,
99 University Place,
New York 3, New York.

APPENDIX

Constitution of Textile Workers Union of America

ARTICLE I

NAME

The name of this International Union shall be the Textile Workers Union of America (TWUA).

ARTICLE II

OBJECTS

SECTION 1. This International Union is dedicated to the principle of industrial unionism. Its objects are to unite all textile workers in the United States, its territories and Canada for the following purposes:

(a) To improve their wages and hours of work, to increase their job security and to better their other working conditions.

(b) To advance their economic, social and cultural interests.

(c) To defend and extend their civil rights and liberties.

(d) To establish peaceful and harmonious relations between its members and their employers and to increase the stability of the industry.

SECTION 2. The International Union shall accomplish the foregoing purposes by organizing the unorganized workers in the textile industry, educating its membership, negotiating collective bargaining agreements with employers, securing legislation, and by all other appropriate means.

ARTICLE III

Jurisdiction

The jurisdiction of this International Union shall embrace all workers employed in or about places of business engaged in the processing by hand or machines, including dyeing, bleaching, printing and finishing of cotton, wool, silk, flax, jute, paper and any other natural or synthetic materials in their original or altered state, to produce or manufacture batts, felts, yarns, cordage, threads, fabrics or other forms into textile or allied products including but not limited to hosiery, knit goods, lace, carpets, cordage, fabricated textile products and by-products of synthetic materials manufactured by textile or independent plants.

ARTICLE IV

Headquarters

The headquarters of the International Union shall be located in New York City, N. Y.

ARTICLE V

Conventions

Section 1. The supreme governing body of the International Union shall be its convention whose decisions shall be final.

Section 2. Regular conventions shall be held once every two years, in even numbered years at such time and place as may be determined by the Executive Council.

Section 3. Special conventions may be called at any time by the Executive Council, on its own motion.

In the event that not less than one-third of the local unions in good standing, located in at least three states, request the Executive Council to call a special convention and the Executive Council fails to do so within 30 days, the General President shall submit the question of calling such a convention to a referendum vote of the membership within 30 days thereafter. If two-thirds of the members voting, vote in favor of a special convention, the General President shall issue a call for such convention to be held not more than 90 days after the completion of the referendum. No business shall be considered by any special convention other than that specified in the call therefor.

SECTION 4. Notice of the time and place of regular conventions shall be given to all local unions, joint boards, and subordinate organizations not less than 60 days prior to the date fixed for such convention. The notice of regular conventions shall also contain a provision that local unions, joint boards and subordinate organizations must submit proposed resolutions for consideration by the convention by transmitting them to the General Secretary-Treasurer not less than five days prior to the convention and that resolutions submitted thereafter shall be subject to such rules as the convention shall adopt. Notice of the time and place of special conventions shall be given to all local unions, joint boards, and subordinate organizations not less than 30 days prior to the date of such convention.

SECTION 5. A majority of the delegates seated at a convention shall constitute a quorum for the transaction of business, but no action of the convention shall be held invalid for lack of a quorum unless the question of the absence of a quorum is raised before such action is finally taken. Unless otherwise specified in this Constitution, all decisions of the convention shall be by majority vote of the delegates present and voting at the time the vote is taken.

SECTION 6. Local unions shall be entitled to be represented at the convention by a number of delegates elected by the membership, determined as follows:

(a) Local unions having less than 200 members in good standing shall be entitled to one delegate.

(b) Local unions having 200 or more but less than 400 members in good standing, shall be entitled to two delegates.

(c) Local unions having 400 or more but less than 500 members in good standing shall be entitled to three delegates.

(d) Local unions having 500 or more members in good standing shall be entitled to three delegates for the first 500 members and one additional delegate for each additional 300 members or majority fraction thereof.

SECTION 7. Each joint board and subordinate organization having a charter from the International Union shall be entitled to be represented at the convention by one delegate.

SECTION 8. Each local union, joint board, and subordinate organization may elect alternate delegates to the convention, the number not to exceed the number of delegates to which they are entitled. An alternate may exercise all of the rights of a delegate in the absence from the convention of such delegate.

SECTION 9. For the purpose of determining the representation of local unions at the convention, the number of its members shall be deemed to be the average number on whom it paid per capita taxes to the International Union during the 24-month period ending 2 months prior to the beginning of the month in which the call to the convention is issued; or, in case of a local union chartered within said 24-month period, then from the date of its charter to the above date, or if chartered less than six months prior to

the date of the convention, then from the date of its charter to the beginning of the month in which the convention is opened.

SECTION 10. Each delegate to the convention shall be entitled to one vote. No person shall be eligible to serve as a delegate or alternate unless he has been a member of the International Union in continuous good standing for at least one year prior to the date of the convention; provided that this limitation shall not apply to delegates or alternates representing locals chartered less than one year prior to the date of the convention.

SECTION 11. No local union shall be entitled to representation at the convention which is in arrears in the payment of per capita taxes or assessments for two months or more.

SECTION 12. The general officers of the union shall be entitled to attend the convention and exercise all the rights of delegates by virtue of their offices.

SECTION 13. Each local union, joint board and subordinate organization shall be supplied with credential forms in duplicate for its delegates and alternates who shall establish their right to be seated at the convention by credentials signed by the President and Secretary of the local union, joint board, or subordinate organization which they represent, with its seal or stamp affixed thereto. Duplicate credentials shall be transmitted to the General Secretary-Treasurer at least two weeks before the date fixed for the convention.

SECTION 14. Prior to the opening of the convention, the General President shall appoint and convene, subject to the disapproval of the Executive Council, such committees as are necessary for the conduct of the affairs of the convention.

SECTION 15. Each regular convention shall elect the general officers of the International Union, 20 Vice-Presidents and three Trustees who shall be installed immediately after their election and who, except as otherwise provided by this Constitution, shall hold office until their successors are elected. The election of general officers, Vice-Presidents and Trustees shall be by a majority of the votes cast. In the event that no candidate for any office receives a majority of the votes cast, the candidate (or in the case of the election of Vice-President and Trustees, candidates equal in number to the offices remaining unfilled) receiving the lowest number of votes shall be eliminated, and the balloting shall continue until one candidate (or in the case of the election of Vice-Presidents and Trustees, candidates equal in number to the offices remaining unfilled) receives a majority of the votes cast.

SECTION 16. All expenses of delegates to the convention shall be borne by the local unions, joint boards, or subordinate organizations which they represent.

ARTICLE VI

INTERNATIONAL OFFICERS AND TRUSTEES

SECTION 1. The general officers of the International Union shall consist of a General President, an Executive Vice-President, and a General Secretary-Treasurer.

SECTION 2. There shall be an Executive Council composed of the general officers and 20 Vice-Presidents.

SECTION 3. No persons shall be eligible for nomination or election as a general officer or vice-president unless he shall have been a member of the International Union in continuous good standing for the period of not less than twenty-four months, in the case of general officers, and twelve months, in the case of vice-presidents, immediately preceding the convention.

SECTION 4. No person shall be eligible for election as a Trustee: (a) while holding office as an International Officer or on the payroll of the National Office, or (b) unless he shall have been a member of the International Union in continuous good standing for the period of not less than twelve (12) months immediately preceding the Convention.

SECTION 5. In the event of the death, resignation, or removal of the General President, the Executive Vice-President shall succeed to his office. In the event of a vacancy in any other office, the vacancy shall be filled by vote of a majority of the remaining members of the Executive Council.

GENERAL PRESIDENT

SECTION 6. (a) The General President shall be the principal executive officer of the International Union. He shall preside at conventions and at meetings of the Executive Council. He shall convene meetings of the Executive Council at least four times a year and at any time upon the request of not less than five members of the Executive Council.

(b) Subject to disapproval by the Executive Council, the General President may employ, fix the salaries of, and discharge such representatives, organizers, administrative, technical and clerical employees as may be required, all of whom shall serve under his direct supervision except as they may be otherwise assigned by him.

(c) The General President shall countersign all checks and money orders drawn on the International Union. He shall have the power to authorize a representative to audit the books and records of any local union, joint board, or subordinate organization, or to engage an accountant for such purpose. He may attend meetings of all boards and committees of the International Union, or any local union, joint board, or subordinate organization, as an ex-officio member thereof.

(d) Subject to review by the Executive Council, the General President shall determine any and all questions as to the application, interpretation or construction of the provisions of this Constitution, or parliamentary procedure or law, or rules of order.

(e) The General President shall appoint all committees not otherwise provided for by this Constitution. He shall be the custodian and manager of the union label or labels. He may assign any duty committed to him by this Constitution to any other International officer.

(f) The General President shall have such other powers, in addition to those herein mentioned, as are usual to his office.

(g) The General President shall make a full report of his activities to each convention and to each meeting of the Executive Council for their approval.

(h) The General President shall receive an annual salary of $16,000.00, payable weekly during his term of office, and for thirty days thereafter.

Executive Vice-President

Section 7. (a) The Executive Vice-President shall be the principal assistant to the General President, may act for the General President (with the right to countersign checks) in his absence, and shall perform such duties as may be assigned to him by the General President.

(b) The Executive Vice-President shall receive an annual salary of $13,500.00, payable weekly during his term of office and for thirty days thereafter.

General Secretary-Treasurer

Section 8. (a) The General Secretary-Treasurer shall act as Secretary of the convention and of all meetings of the Executive Council and shall keep a record of their

proceedings. He shall be custodian of the seal of the International Union and shall have custody of all of its books, records and papers.

(b) The General Secretary-Treasurer shall keep correct accounts of all financial transactions of the International Union and shall deposit its funds in its name in depositors or invest them in securities approved by the Executive Council. He shall submit a detailed financial statement to the Executive Council at each meeting thereof and to the convention. He shall instruct local unions, joint boards, and subordinate organizations as to the manner in which they shall keep accounts of their financial transactions and may require them to submit to him monthly reports containing such information as he may prescribe. He shall sign all checks drawn on the International Union and perform such other duties as are incident to this office.

(c) The General Secretary-Treasurer shall receive all applications for charters and shall issue the same, when signed by the General President, and countersigned by him, subject to the disapproval of the Executive Council.

(d) The General Secretary-Treasurer shall give bond in the sum of $5,000.00 or such greater sum as may be determined by the Executive Council, for the faithful performance of his duties. The premium on the bond shall be paid by the International Union.

(e) The General Secretary-Treasurer shall receive an annual salary of $12,500.00, payable weekly during his term of office, and for thirty days thereafter.

Trustees

Section 9. The Trustees shall have general supervision over the finances of the Union, shall examine the books of the Union at least quarterly, and shall report thereon to the Executive Council. The trustees shall order the books of the Secretary-Treasurer to be audited by a certified

public accountant annually, and shall submit such audit to the Executive Council and make a report thereon to each Convention.

ARTICLE VII

Executive Council

Section 1. The Executive Council shall have general supervision over the affairs and properties of the International Union. It shall execute the decisions of the conventions and, between conventions, shall be the supreme governing body of the International Union.

Section 2. The Executive Council shall have power to authorize the expenditure of the funds or the use of the property of the International Union; to borrow money and, as security, to pledge or mortgage any property of the International Union; to make guarantees; and to buy, sell, exchange, rent, lease or otherwise acquire or dispose of real or personal property.

Section 3. The Executive Council shall have power to disapprove any charters issued to a local union, joint board, or a subordinate organization.

Section 4. In the event it finds it necessary to protect the interests of the International Union the Executive Council, acting through an administrator or administrators, appointed by it, may, for a period determined by it, take possession of and administer the affairs, funds and property of any local union, joint board or subordinate organization, and assume and perform the duties of its officers or any of them.

Section 5. A majority of the members of the Executive Council shall constitute a quorum for the transaction of business at any meeting; except that it may take action, without meeting, by the written approval of a majority of

its members, after notice to all of its members of the question to be decided.

SECTION 6. Notwithstanding any provision in this Constitution, the Executive Council shall have the power and authority to make such rules and regulations in place of Article XII as in its judgment shall be advisable with respect to local unions, joint boards and subordinate organizations located outside of the United States.

ARTICLE VIII

STRUCTURE

SECTION 1. The membership of the International Union shall be organized into local unions. Local unions may consist of members within a mill, a group of mills, a city, or other area.

SECTION 2. The Executive Council may establish, define the jurisdiction of, and cause charters to be issued to joint boards composed of local unions (referred to in this Constitution as "joint boards") and other bodies of local unions, such as councils and departments representing geographical or industrial sub-divisions of the textile industry (referred to in this Constitution as "subordinate organizations").

SECTION 3. Joint boards and subordinate organizations shall adopt by-laws, rules and regulations, not inconsistent with this constitution, defining their jurisdiction, powers and duties. All by-laws, rules and regulations shall be subject to disapproval by the Executive Council.

SECTION 4. All local unions within the jurisdiction of a joint board or subordinate organization shall affiliate with such joint board or subordinate organization, unless exempt for cause by the Executive Council. No local union

affiliated with a joint board or subordinate organization shall withdraw therefrom without the consent of the Executive Council. Decisions of the Executive Council under this section shall be made only after notice and opportunity for hearing to the local unions and joint boards or subordinate organizations affected.

SECTION 5. The Executive Council may after notice and opportunity for hearing, amend the charter or jurisdiction of any local union. It may dissolve or amend the charter or jurisdiction of any joint board or subordinate organization after notice and opportunity for hearing; to the local unions, joint boards and subordinate organizations affected.

SECTION 6. No member of the Textile Workers Union of America, who is a member of the Communist Party, or of a Communist, Nazi or Fascist organization, shall be eligible for election or appointment to any office or hold any office in the Textile Workers Union of America or in any of its locals, joint boards, or subordinate organizations.

ARTICLE IX

LOCAL UNIONS, JOINT BOARDS, AND SUBORDINATE ORGANIZATIONS

SECTION 1. Seven or more workers who are members of, or eligible for membership in, the International Union may apply for a charter as a local union and upon receipt of a charter shall constitute a local union.

SECTION 2. Applications for charters shall be made to the General Secretary-Treasurer. They shall be accompanied by the charter fee of $10.00 and the required initiation fees. Subject to the disapproval of the Executive Council, a properly signed charter containing such provisions as may be prescribed shall be delivered to the applicants together with a seal.

SECTION 3. Local unions, joint boards, and subordinate organizations shall adopt by-laws, rules and regulations for their government which shall not conflict with the provisions of this Constitution or in the case of local unions with the provisions of the by-laws of the joint board or subordinate organization with which they are affiliated and shall be subject to the disapproval of the Executive Council.

SECTION 4. Each local union and joint board shall meet at least once a month.

SECTION 5. No local union, joint board or subordinate organization, their officers or agents, nor the officers (except General Officers) or agents of the International Union shall have the power to make any contract or incur any liability binding upon the International Union without the written consent thereto of a General Officer. The International Union shall not be liable under any contract or for any acts of local unions, joint boards or subordinate organizations, their officers or agents, or the officers (except General Officers) or agents of the International Union, unless specifically consented to or authorized in writing by a General Officer.

SECTION 6. Except as provided by Section 5 of Article VIII, no local union shall be dissolved so long as at least seven members object to its dissolution at a meeting called to consider the question.

SECTION 7. All books, records, funds and property in the possession or subject to the control of any local union, joint board, or subordinate organization shall be and remain the property of the International Union. In the event that the membership of any local union falls below seven, or that a local union, joint board, or subordinate organization dissolves, or withdraws, or is expelled from the International Union, the possession of all of the books, records, funds and property of such local union, joint

board, or subordinate organization shall be delivered to the General Secretary-Treasurer within twenty days thereafter.

SECTION 8. No funds of any local union, joint board, or subordinate organization shall be loaned, given, or expended to assist any seceding or antagonistic organization, or any local union, joint board, or subordinate organization which is violating this Constitution.

SECTION 9. No local union, joint board, or subordinate organization shall issue appeals for financial aid for any purpose, except with the consent of the Executive Council.

ARTICLE X

OFFICERS AND EXECUTIVE BOARDS OF LOCAL UNIONS, JOINT BOARDS AND SUBORDINATE ORGANIZATIONS

SECTION 1. Each local union, joint board, and subordinate organization shall elect a president, a vice-president, a recording secretary, and a financial secretary or such other officers as its By-Laws shall provide together with an Executive Board, consisting of these officers and such additional members as its By-Laws may provide, all of whom shall be elected at least biennially and shall hold office until their successors are elected and installed.

SECTION 2. No person shall be eligible for office in any local union, joint board, or subordinate organization or as a delegate to a joint board until he has been a member in good standing of the International Union for at least one year, unless he is a member of a local union which has been chartered for less than one year.

SECTION 3. Unless otherwise provided by the By-Laws, the president shall preside at all meetings of the local union, joint board or subordinate organization and its

Executive Board, and shall countersign all checks when signed by the financial secretary. He shall enforce By-Laws and the provisions of this Constitution. He shall appoint and be an ex-officio member of all committees, unless otherwise provided.

SECTION 4. Unless otherwise provided by the By-Laws, the vice-president shall assist the president in the performance of his duties, shall act for the president in his absence, and, in the event of a vacancy in the office of president, shall succeed to the office of president for the unexpired term.

SECTION 5. Unless otherwise provided by the By-Laws, the recording secretary shall keep correct minutes of all meetings of the local union, joint board, or subordinate organizations, conduct its correspondence and have charge of its seal which he shall attach to all documents requiring authentication.

SECTION 6. The financial secretary shall receive all monies paid to the local union, joint board, or subordinate organization, and deposit same in its name in such bank or banks as the Executive Board may direct. Unless otherwise provided by the By-Laws, he shall sign all checks drawn upon the local union, joint board, or subordinate organization. He shall keep true and accurate accounts of all his transactions as financial secretary and shall make reports thereon to the local union, joint board, or subordinate organization, its Executive Board and the General Secretary-Treasurer. On demand of the General Secretary-Treasurer, he shall make all of his books and records available for examination and audit. He shall keep a record of the names and addresses of all members of the local union or local unions and shall advise the General Secretary-Treasurer monthly of the names and addresses of all members initiated, transferred, dropped, or withdrawn during the previous month.

SECTION 7. Before entering upon his duties, the financial secretary and every other local union, joint board, and subordinate organization officer or representative charged with the handling or safe-keeping of funds, shall execute a bond for the faithful performance of his duties, in an amount fixed by the Executive Board. The General Secretary-Treasurer may require the amount of such bond to be increased whenever in his judgment it is insufficient. The premiums on bonds shall be paid by the local union, joint board, or subordinate organization.

SECTION 8. The Executive Board shall be the highest governing body within the local union, joint board, or subordinate organization, between its meetings, and shall exercise general supervision over its affairs.

ARTICLE XI

MEMBERSHIP

SECTION 1. Except as hereinafter provided, any worker employed in the textile industry shall be eligible to apply for membership.

SECTION 2. Workers having supervisory power shall be eligible to apply for membership only if their application for membership has been approved by the General President or the Executive Council, or if their application for membership is made to a local union composed of or chartered to include supervisory employees.

SECTION 3. No person who has been suspended or expelled from membership shall be eligible for membership in any local union without the written consent of the body which suspended or expelled him, or of a general officer of the International Union.

SECTION 4. No person shall be admitted to membership while he remains a member of any seceding or dual organization.

SECTION 5. No person shall simultaneously hold membership in more than one local union affiliated with the International Union.

SECTION 6. (a) Unless the local union, joint board, or subordinate organization provides a shorter period:

1. Any member who is three months or more in arrears in the payment of dues, fines or assessments shall be subject to summary suspension from all rights and privileges of membership, notwithstanding any other provision of this Constitution to the contrary.

2. Any member who is four months or more in arrears in the payment of dues, fines or assessments may be expelled and dropped from the rolls, notwithstanding any other provision of this Constitution to the contrary, provided that he is given written notice of such expulsion by registered mail not less than one week prior to the effective date thereof.

(b) A member who has been expelled for non-payment of dues, fines or assessments may be reinstated only upon payment of the regular initiation fee, together with all monies due at the time of his expulsion, unless otherwise ordered by the Executive Board of the body which expelled him.

(c) A member who has been suspended or expelled for non-payment of dues, fines or assessments, shall be afforded a hearing before the Executive Board of the body which expelled him upon the written request of such member and he shall have the right to appeal from any decision rendered in the manner provided in Article XIV.

SECTION 7. Any member in good standing may transfer his membership from one local union to another, provided

that he is eligible for membership in and complies with the provisions respecting transfers of the By-Laws governing the local union to which he seeks to be transferred.

SECTION 8. Any member in good standing may withdraw from membership upon leaving the textile industry. A withdrawal card shall be issued to such withdrawing member and he or she shall thereupon lose all rights and privileges of a member and shall be exempt from the payment of dues and assessments. A member who has withdrawn may subsequently be reinstated without the payment of an initiation fee.

ARTICLE XII

REVENUE

SECTION 1. The initiation fee for membership in the International Union shall be such sum (which shall not be in excess of $5 without the specific consent of the Executive Council) as may be fixed by each local union, joint board, or subordinate organization. Each local union, joint board, or subordinate organization shall pay to the International Union an initiation fee of $1 for each new member. The General President, with the approval of the Executive Council, shall have the power to waive the payment of initiation fees by newly formed locals, or where special circumstances so require.

SECTION 2. Local unions, joint boards, and subordinate organizations shall fix the dues of their members, which shall be payable in advance monthly or weekly. Such dues shall be not less than 50¢, if payable weekly, and not less than $2.00, if payable monthly.

SECTION 3. Each joint board or subordinate organization, and each local union not affiliated with a joint board or subordinate organization, shall pay to the International Union a per capita tax of $1.00 per month if its dues are

payable monthly, and a per capita tax of 25¢ per week if its dues are payable weekly, for each of its dues paying members. The total per capita tax due shall be paid to the General Secretary-Treasurer on or before the 10th day of each month for the dues paying members during the preceding month.

SECTION 4. The Executive Council, or subject to the disapproval of the Executive Council, the Executive Board of any local union, joint board, or subordinate organization shall have the power to levy a per capita assessment, in addition to dues, upon the members within its jurisdiction, provided that the amount and method of payment of such assessment has first been approved by the majority of those voting in a vote among the members to be subject to such assessment. The recording secretary of a local union, joint board, or subordinate organization which proposes to levy an assessment shall notify the General Secretary-Treasurer thereof at least seven days before the proposal is submitted to a vote.

SECTION 5. The payment of dues, per capita taxes and assessments by the members shall be evidenced by appropriate stamps which shall be affixed to the dues book of each member. Except with the specific consent of the Executive Council, no local union, joint board, or subordinate organization shall collect any dues or assessments without issuing stamps as a receipt therefor. All such stamps shall be issued at cost to local unions, joint boards, and subordinate organizations by the General Secretary-Treasurer and no local union, joint board, or subordinate organization shall have the power to print its own stamps for such purpose without the consent of the Executive Council.

SECTION 6. Notwithstanding anything in this constitution to the contrary, the General President may suspend any local union, joint board, or subordinate organization which fails to pay any per capita tax or assessment due to the In-

ternational Union or to any joint board or subordinate organization within two months after it is due. No local union, joint board, or subordinate organization shall be entitled to representation or other benefits in the International Union during the period of its suspension. In the event that it thereafter fails to pay such per capita tax or assessment, the Executive Council may expel such local union, joint board, or subordinate organization, from the International Union. The Executive Council may upon application of an expelled local union, joint board, or subordinate organization, reinstate its charter subject to such conditions as it may prescribe. The decision and action of the General President, and Executive Council under this Section, shall be subject to appeal as provided in Article XIV.

ARTICLE XIII

Discipline

Section 1. (a) The term "discipline" when used in this Article, shall include, without limitation, a fine, removal from office, disqualification to run for office, or suspension or expulsion from membership.

(b) Any member of the International Union found guilty of violating any provision of this Constitution, or a decision of the Executive Council, or of his subordinate organization, joint board, or local union, or of dishonesty, misconduct or conduct detrimental to the welfare of the Textile Workers Union of America, shall be subject to discipline after notice of and opportunity for hearing on charges, as provided in this Article, except that the provisions of this Article shall not apply in the case of a member summarily fined for non-attendance at meetings pursuant to the provisions of a previously adopted resolution or other act of his local union, joint board, or subordinate organization.

(c) Subject to the provisions of Sub-section (f), the Executive Board of a local union shall have power to discipline

a member or officer of such local union whom it finds guilty of any conduct set forth in paragraph (b) above.

(d) Subject to the provisions of Sub-section (f), the Executive Board of a joint board or subordinate organization shall have power to discipline any member or officer of any of its affiliated local unions, or any member, delegate or officer of such joint board or subordinate organization whom it finds guilty of any conduct set forth in paragraph (b) above.

(e) The Executive Council shall have power to discipline any member or officer of a local union, joint board, or subordinate organization, or any International Union General Officer, Vice-President, or Trustee whom it finds guilty of any conduct specified in paragraph (b) above.

(f) The Recording Secretary of a local union shall promptly transmit a copy of any charges filed with him against a member or officer of such local union to the General Secretary-Treasurer and to the Secretary of the joint board or subordinate organization, if any, with which the local union is affiliated. The Executive Council, or the Executive Board of the joint board or subordinate organization, shall have the right, by notice in writing to such Recording Secretary, to assume jurisdiction of any such charges, and, in that event, no action upon such charges shall thereafter be taken by the local union with which they were filed, but all further proceedings shall be taken by such Executive Board of the joint board or subordinate organization, or by the Executive Council, as the case may be, in the same manner as though the charges had originally been filed with it.

(g) The Secretary of a joint board or subordinate organization shall promptly transmit a copy of any charges filed with him against a member or officer of any affiliated local union, or any member, delegate or officer of such joint board or subordinate organization to the General Secretary-Treasurer. The Executive Council shall have the right, by

notice in writing, to such Secretary, to assume jurisdiction of any such charges, and, in that event, no action upon such charges shall thereafter be taken by the joint board or subordinate organization with which they were filed, and all further proceedings shall be taken by the Executive Council in the same manner as though the charges had originally been filed with it.

SECTION 2. The Executive Council shall have power, after notice of and opportunity for hearing upon charges, as provided in this Article, to suspend. expel or take such other action against any local union, joint board, or subordinate organization which it finds guilty of violating any provisions of this Constitution or decision of the Executive Council, or of conduct detrimental to the welfare of the Textile Workers Union of America.

SECTION 3. Proceedings under this Article may be initiated by any member of the International Union by filing written charges with the Secretary of the appropriate local union, appropriate joint board, or subordinate organization, or the Executive Council, as the case may be. The Secretary with whom such charges are filed shall promptly transmit a copy thereof to the accused, by registered mail, at his last known address, together with written notice of the time and place of the hearing thereon, which shall be held not less than one week after the date of the mailing of the notice.

SECTION 4. (a) Hearings shall be held by the Executive Board of the appropriate local union or appropriate joint board or subordinate organization or by the Executive Council, as the case may be. The accused shall have the right to appear at such hearings and be represented only by a member of the International Union designated by him for that purpose, who has agreed to so serve.

(b) Hearings may be held on any charge notwithstanding the failure of the accused, after being given notice pursuant to the provision of this Article, to appear thereat.

SECTION 5. Appeals from decisions rendered pursuant to the provisions of this Article may be taken in the manner provided in Article XIV by the accused or by the person filing the charge.

SECTION 6. Whenever charges have been filed with the Executive Council, or whenever it has assumed jurisdiction over the charges, the Executive Council or the General President shall have the following powers which may be exercised prior to a hearing or decision on such charges:

(a) Summarily to suspend the accused subordinate organization, joint board, local union, officer, delegate or member.

(b) To appoint a temporary officer or delegate who shall supersede and have all the powers of the accused officer or delegate and who shall serve pending the decision of the Executive Council, and (if the Executive Council finds the accused guilty) for such further periods as the Executive Council may determine.

(c) To appoint an administrator or administrators who shall take possession of and administer the affairs, funds and property of the local union, joint board, or subordinate organization whose officer or officers are the subject of charges. Such administrator or administrators shall have all the powers of the officers of such local union, joint board, or subordinate organization, and shall continue to act until the decision of the Executive Council upon such charges, and (in the event that the Executive Council finds the accused guilty) for such further periods as the Executive Council may determine.

In the event that the General President or Executive Council exercises any of the powers provided for in this Section, a hearing shall be provided at or before the next regular meeting of the Executive Council and the Executive Council shall render its decision upon the charges with reasonable dispatch.

ARTICLE XIV

Appeals

Section 1. Appeals from decisions under Article XIII may be taken:

(a) From the decision of the Executive Board of a local union to the Executive Board of the joint board or subordinate organization, if any, with which such local union is affiliated, and from its decision (or if there is no such joint board or subordinate organization, then directly) to the Executive Council.

(b) From the decision of the Executive Board of a joint board or subordinate organization to the Executive Council.

Section 2. The Executive Council shall, within its discretion, have jurisdiction and power to entertain, hear, and decide appeals from the acts, failure to act, or decision (other than decisions, under Article XIII) of any General Officer, local union, joint board, subordinate organization, or the Executive Board of such local union, joint board, or subordinate organization.

Section 3. Any decision of the Executive Council, including a decision rendered under the provisions of Section 1 and Section 2 of this Article, may be appealed to the Convention.

Section 4. All appeals shall be in writing, shall contain a brief statement of the facts and the grounds for the appeal and shall be filed with the Secretary of the body to which they are addressed within thirty days after the rendition of the decision from which the appeal is taken. Upon application, during or after the thirty-day period for filing appeals, the body to which the appeal is addressed may, in its discretion, extend the time within which an appeal may be filed and heard by it. Appeals to the Convention shall

be filed with the General Secretary-Treasurer and extensions of time to file an appeal to the Convention may be granted by the General President or the Executive Council. The Secretary with whom the appeal is filed shall promptly transmit copies thereof, together with a notice of the date of hearing thereon, which shall be held not less than one week from the date of the notice, to the parties to the appeal. The provisions of Sections 4 and 5 of Article XIII providing for the procedure on hearings on charges shall apply to hearings on appeals taken under this Article, except appeals to the Convention which shall be heard under the rules of the Convention.

SECTION 5. An appeal taken under this Article shall not operate to stay the action of decision appealed from unless the body to which the appeal is taken shall so order, but the Executive Council or the General President may stay the decision of the Executive Council pending appeal to the Convention.

SECTION 6. No member shall institute any civil action, suit or proceeding in any court or before any administrative body, against the International Union, any of its local unions, joint boards, or subordinate organizations, or any officer or member of the International Union or of any of its local unions, joint boards, or subordinate organizations on account of any controversy for which a remedy by trial or appeal is provided for in this Constitution unless and until he has first exhausted all such remedies of trial and appeal.

ARTICLE XV.

TRIAL OR APPEAL BOARD.

SECTION 1. In all cases where charges have been filed with the Executive Council, or where it has assumed jurisdiction over the charges, or where an appeal is pending

before it, the General President may, upon the written request of the accused or the person filing the charge or appeal sent by registered mail within five days after the filing of the charge or the appeal, or at his own discretion at any time, designate and appoint a subdivision of not less than three members of the Executive Council, who shall hold a hearing on the case within the locality in which the case arose or as near thereto as the General President shall direct.

SECTION 2. In all cases pending before it, the Executive Council may assign the case to be heard by a subdivision of not less than three of its members appointed by the General President.

SECTION 3. A subdivision of the Executive Council appointed under this Article shall be known as a Trial Board or Appeal Board, as the case may be, and the provisions of Sections 4 and 5 of Article XIII providing for the procedure on hearings shall apply to hearings held by the Trial or Appeal Board.

SECTION 4. The Trial or Appeal Board shall, after a hearing, render a report and recommendation on the appeal or charges to the Executive Council, which shall then render its decision. The decision of the Executive Council may accept, reject or modify the recommendation and shall be subject to appeal to the Convention as provided in this Constitution.

SECTION 5. A hearing before the Trial or Appeal Board shall constitute a hearing before the Executive Council under the provisions of this Constitution and there shall be no further hearing before the Executive Council in cases heard by a Trial or Appeal Board unless the Executive Council shall so direct, notwithstanding any provision in the Constitution to the contrary.

ARTICLE XVI

Collective Agreements

Section 1. Negotiations for collective agreements shall be subject to supervision by, and their terms and conditions shall be subject to the approval of the General President.

Section 2. The union shall be the exclusive representative of each member for the purpose of collective bargaining and the negotiation and execution of collective bargaining agreements with employers, and is irrevocably authorized and empowered by each member to present, negotiate and settle any and all grievances, complaints and disputes arising out of the relationship between the member and his employer.

Section 3. The International Union and all local unions, joint boards, and subordinate organizations shall faithfully perform and fulfill their obligations and responsibilities under collective agreements.

ARTICLE XVII

Strikes and Boycotts

Neither the International Union nor any of its local unions, joint boards or subordinate organizations, their officers or agents shall have the power or authority to induce, call, encourage, authorize, ratify or engage in any strike or to induce, call, encourage or authorize the employees of any employer to engage in any strike or concerted refusal in the course of their employment to use, manufacture, process, transport or otherwise handle or work on any goods, articles, materials or commodities, or to perform any services, except as expressly authorized or ratified in writing by the General President. Such power

and authority resides exclusively in the General President and he exclusively may withdraw such authorization or ratification, once given, and he exclusively may declare any strike or concerted refusal to manufacture, process, transport or otherwise handle or work on any goods, articles, materials or commodities, or to perform any services, terminated at any time.

ARTICLE XVIII

Amendments

This constitution may be amended at any convention by the afirmative vote of two-thirds of the delegates voting on the question, provided copies of the proposed amendment are distributed among the delegates prior to the vote.